

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:
Beaudry, Gary A. et al.

Examiner: Carla J. Myers

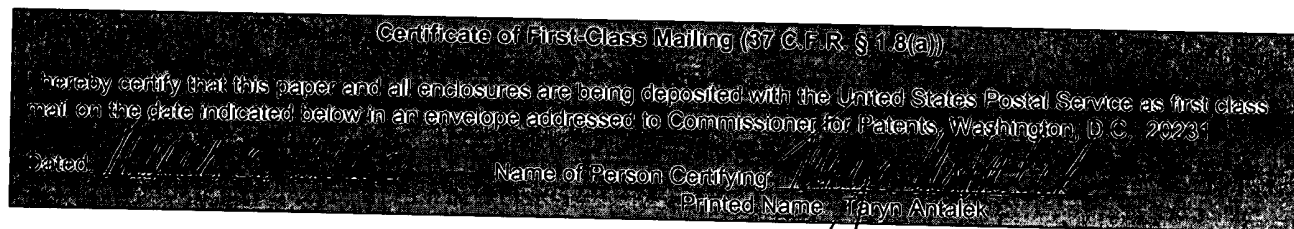
Serial No.: 09/663,516

Group Art Unit: 1634

Filing Date: September 15, 2000

For: **COMPOSITIONS AND METHODS FOR THE IDENTIFICATION
OF LUNG TUMOR CELLS**

Commissioner for Patents
Washington, D.C. 20231



SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing date of a first Office Action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 07-1074 for any fees required pursuant to 37 C.F.R. § 1.17(p) or 1.17(i)(1).

03/14/2003 WBDLR1 00000116 071074 09663516

03 FC:1806 180.00 CH

This Information Disclosure Statement is filed:

- ☒ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever comes first, and the Commissioner is hereby authorized to charge Deposit Account No. 07-1074 for the fee (\$180.00) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.
- ☐ Copies of those items which are marked with an asterisk (*) in the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. _____ filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120. See 37 C.F.R. § 1.98(d).

- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1449 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. **07-1074** for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

3/5/03
Date

By: Elizabeth Lassen
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	09/663,516
Filing Date	September 15, 2000
First Named Inventor	Beaudry, Gary
Group Art Unit	1634
Examiner Name	Carla J. Myers
Attorney Docket Number	GA0129C

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	30	BACHER, N. et al., "Isolation and Characterization of PKC-L, A New Member of the Protein Kinase C-Related Gene Family Specifically Expressed in Lung, Skin and Heart", Molecular and Cellular Biology, January 1991, 11(1):126-133	
	31	DATABASE GENBANK, E.B.I. Hinxton, Accession Number: X52973, 17 February 1997, Zschunke, F. et al. "Serine Esterase"	
	32	DATABASE GENBANK, E.B. Hinxton, Accession Number M55509, 27 April 1993, Long, RM et al., "Human Liver Carboxylesterase"	
	33	DATABASE GENBANK, E.B. Hinton, Accession Number X04972, 18 May 1994, Hallewell, RA et al., "Mouse Manganese Superoxide Dismutase"	
	34	VAN ZANDWIJK et al., "The role of prognostic factors and oncogenes in the detection and management of Non-Small-Cell Lung Cancer", Oncology, January 1998, Supplement 2, 55-59	
	35	SALGIA R. and SKARIN, A., "Molecular Abnormalities in Lung Cancer", Journal of Clinical Oncology, March 1998, 16(3):1207-1217	
	36	BIRRER, MJ and BROWN, PH, "Application of molecular genetics to the early diagnosis and screening of lung cancer", Cancer Research, May 1992, 52:2658s-2664s	
	37		
	38		
	39		
	40		

Examiner
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for form 1449A/PTO

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STATEMENT BY APPLICANT**

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Examiner Name	Carla J. Myers
Attorney Docket Number	GA0129C

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US-			
	2	US-			
	3	US-			
	4	US-			
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	15	US-			
	16	US-			
	17	US-			
	18	US-			
	19	US-			
	20	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	21	WO 97/42211	11-13-1997	Chiron Corp.		
	22					
	23					
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	27					
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Examiner
SignatureDate
Considered

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² Applicant's unique citation designation number (optional). ³ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

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